



THE ATTORNEY GENERAL OF TEXAS

Gerald C. Mann

AUSTIN 11, TEXAS

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ATTORNEY GENERAL

Hon. Bert Ford, Administrator
Texas Liquor Control Board
Austin, Texas

Opinion No. O-2068
Re: Section 24(1)(a) of Article
II, Texas Liquor Control Act.

Dear Sir:

Your request for opinion has been received and carefully considered by this department. We quote from your letter of request as follows:

"The president and majority stockholder of a corporation holding a General Distributor's License, and engaged in the wholesale distribution of beer owns some real estate individually which he desires to lease to a person who wishes to conduct a retail beer dealers business on the premises.

"I would like your opinion as to whether Section 24(1)(a) of Article II of the Texas Liquor Control Act would prohibit the president and majority stockholder from leasing his individual property to a retail dealer in beer under the circumstances."

Section 24(1)(a) of Article II of the Texas Liquor Control Act, reads as follows:

"(1) It shall be unlawful for any manufacturer or distributor directly or indirectly or through a subsidiary or affiliate, any agent or any employee, or by any officer, director, or firm member:

"(a) Ownership of Interest or Real Estate: To own any interest in the business of any retail dealer in beer, or any interest of any kind in the premises in which any such retail dealer conducts his or its business."

You are respectfully advised that it is the opinion of this department that the above quoted article prohibits the president and majority stockholder of said corporation holding a General Beer Distributor's License from leasing his individual real

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estate or property to a retail beer dealer under the circumstances stated in your letter.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By /s/ Wm. J. Fanning
Wm. J. Fanning, Assistant

APPROVED MAR 18, 1940
/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

APPROVED: OPINION COMMITTEE
BY: BWB, CHAIRMAN

WJF:AW:wb